

# Rules and Regulations

Federal Register

Vol. 63, No. 217

Tuesday, November 10, 1998

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 97-101-3]

#### Imported Fire Ant Quarantined Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rules as final rule.

**SUMMARY:** We are adopting as a final rule, without change, two interim rules that amended the imported fire ant regulations by designating as quarantined areas all or portions of 9 counties in Arkansas, 10 counties in North Carolina, 3 counties in Oklahoma, 5 counties in South Carolina, 15 counties in Tennessee, and 13 counties in Texas. The interim rules were necessary in order to impose certain restrictions on the interstate movement of regulated articles from these areas to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

**EFFECTIVE DATE:** Affirmation effective November 10, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Milberg, Operations Officer, Operational Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-5255; or e-mail: ron.p.milberg@usda.gov.

**SUPPLEMENTARY INFORMATION:**

#### Background

In an interim rule effective and published in the **Federal Register** on January 28, 1998 (63 FR 4151-4154, Docket No. 97-101-1), we amended § 301.81-3(e) of the imported fire ant regulations by designating as quarantined areas all or portions of 10 counties in North Carolina, 3 counties in Oklahoma, 5 counties in South

Carolina, 15 counties in Tennessee, and 13 counties in Texas. In another interim rule, effective and published in the **Federal Register** on July 2, 1998 (63 FR 36155-36156, Docket No. 97-101-2), we amended § 301.81-3(e) of the imported fire ant regulations by designating as quarantined areas 9 counties in Arkansas. The interim rules were necessary in order to impose certain restrictions on the interstate movement of regulated articles from these areas to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

Comments on the first interim rule (Docket No. 97-101-1) were required to be received on or before March 30, 1998. Comments on the second interim rule (Docket No. 97-101-2) were required to be received on or before August 31, 1998. We did not receive any comments on either interim rule. Therefore, for the reasons given in the interim rules, we are adopting the interim rules as a final rule.

This action also affirms the information contained in the interim rules concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Incorporation by reference, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

#### PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, two interim rules that amended 7 CFR 301 and that were published at 63 FR 4151-4154 on January 28, 1998, and 63 FR 36155-36156 on July 2, 1998.

**Authority:** 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164-167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 30th day of October, 1998.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 98-30135 Filed 11-9-98; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 905 and 944

[Docket No. FV99-905-1 IFR]

#### Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This rule makes changes in the regulations under the Florida citrus marketing order and the grapefruit import regulations. This rule relaxes the minimum size requirement for red seedless grapefruit and for red seedless grapefruit imported into the United States from size 48 (3<sup>5</sup>/<sub>16</sub> inches diameter) to size 56 (3<sup>5</sup>/<sub>16</sub> inches diameter). The Citrus Administrative Committee (Committee), the agency that locally administers the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida, unanimously recommended this change. This change allows handlers and importers to ship size 56 red seedless grapefruit through November 7, 1999, and is expected to maximize grapefruit shipments to fresh market channels.

**DATES:** Effective November 9, 1998. Comments received by January 11, 1999 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, Room 2525-S, P.O. Box 96456, Washington, D.C. 20090-6456; Fax: (202) 205-6632; or E-mail: moabdocket\_clerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** William G. Pimental, Southeast Marketing Field Office, F&V, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883; telephone: (941) 299-